IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

Bail Appl..No. 6431 of 2006()

CMP.2408/2006 of J.M.F.C., PATTAMBI
CRL.M.P.3454/06 OF SESSIONS COURT, PALAKKAD.
CRIME NO.28/06 OF THRITHALA EXCISE RANGE.

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PETITIONER/ACCUSED---------

UNNIKRISHNAN, S/O.NARAYANAN,
KARUPPARAMBIL HOUSE, MADHUPULLY DESOM,
THRUMITAKODU VILLAGE, OTTAPPALAM TALUK.

BY ADV. SMT.C.V.BINDU

RESPONDENT:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
THROUGH THE EXCISE INSPECTOR, THRITHALA.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

BAIL APPLICATION No. 6431 OF 2006

DATED THIS THE **27th** DAY OF NOVEMBER, 2006

O R D E R

In this Petition filed under Sec.439 Cr.P.C. the petitioner who is the accused in Crime No.28/06 of Thrithala Excise Range for offences punishable under Sections 8(1) and 8(2) of the Abkari Act, for having been found in possession of 3 liters of arrack on 7.10.2006,seeks his enlargement on bail. The petitioner was arrested on the same day.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor. The learned Public Prosecutor opposed the application submitting, inter alia, that the petitioner is an accused in another case involving similar offence.

3. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec.41 A of the Abkari Act are present in this case so as to justify the release of the petitioner on bail.

This application is accordingly dismissed.

V.RAMKUMAR, JUDGE.

dsn/-